

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,)
)
)
) CASE NO. 18-CR-51
)
vs.)
)
PATRICK D. ANGELO,)
)
Defendant.)
_____)

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HON. MAE A. D'AGOSTINO
FRIDAY, JUNE 1, 2018
ALBANY, NEW YORK

FOR THE GOVERNMENT:

OFFICE OF THE UNITED STATES ATTORNEY
By: CRAIG GESTRING, AUSA
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FOR THE DEFENDANT:

OFFICE OF THE FEDERAL PUBLIC DEFENDER
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1 (Open court, 12:00 p.m.)

2 THE CLERK: Today is Friday, June 1, 2018. The time
3 is 12 p.m. The case is United States of America versus Patrick
4 D. Angelo, case No. 18-CR-51. We're here today for a
5 sentencing. May we have appearances for the record, please.

6 MR. GESTRING: Good afternoon, Your Honor. Craig
7 Gestring, Assistant United States Attorney, with Sean Eldridge,
8 Assistant United States Attorney for the Western District of New
9 York appearing for the United States, Your Honor. Good
10 afternoon, Judge.

11 THE COURT: Good afternoon.

12 MS. BIANCO: Good afternoon, Your Honor. Randi Bianco
13 on behalf of Patrick Angelo, who is seated at my right. Also
14 present are his parents and his grandmother.

15 THE COURT: Good afternoon to all of you.

16 Do both the government and the defense have the final
17 Presentence Report dated April 30, 2018, and the addendum dated
18 May 22, 2018?

19 MS. BIANCO: Yes, Your Honor.

20 MR. GESTRING: Judge, we do. We received both and
21 reviewed both.

22 THE COURT: Thank you. Have you shared those reports
23 with your client, Ms. Bianco?

24 MS. BIANCO: Yes, I have.

25 THE COURT: Thank you. The record should reflect that

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1 I have carefully reviewed those reports. I have reviewed all
2 the submissions by counsel. In addition, I have reviewed
3 letters from the following: The Reverend James Adams, Dennis
4 Angelo, David and Dorothy Angelo, Teresa Angelo, Lottie Angelo,
5 LaVeda Bailey, Rick and Pam Banas, Ryan Betts, Molly Carlini,
6 Laura Cheek, Pat Collins, a letter from Dr. Zachary Cordero,
7 David Kiley, Steve Palumbo, Craig and Monica Schwegman, Paul
8 Salce, Wendra and James Trowbridge, and a letter from Tasha
9 Williams, and Jesse Kenas Collins.

10 I have also gone back and reviewed the psychological
11 report from Dr. Lazzaro which I have been supplied previously in
12 this case when there was a request made about continuing
13 detention.

14 Does the government have any objections to the facts,
15 the offense level calculation, or the criminal history as set
16 forth in the PSI?

17 MR. GESTRING: Judge, we do not.

18 THE COURT: Thank you. Does the defense have any
19 objections to the facts, the offense level, or the criminal
20 history as set forth in the Presentence Report?

21 MS. BIANCO: No, Your Honor.

22 THE COURT: Thank you. Does the government wish to
23 say anything before I impose sentence?

24 MR. GESTRING: Yes, Judge, thank you. Judge, I think
25 in our sentencing submission and in the previous arguments made

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1 with respect to detention and the argument again that we filed
2 in our detention response, we set forth the facts that back in
3 October 2017, specifically October 19, the defendant made a
4 direct threat to kill Congressman John Katko and his family.
5 The death threat specifically linked the performance of the
6 Congressman's duty to the death threat.

7 Judge, I think we've previously provided the Court
8 with a copy of the recording and we've provided counsel and we
9 used it at a detention hearing, but I think it's important,
10 Judge, to consider the actual audio of the threat, not just the
11 text of it. And that is that the words themselves are
12 significant, but it's the delivery of that that is the chilling
13 part to this, Judge, and I will play it at this point.

14 (Audio played.)

15 MR. GESTRING: Judge, as the Court is aware, the call
16 was placed on one day and wasn't received on that day by the
17 Congressman's staff. There was a short delay prior to them
18 processing their voicemail.

19 However, Judge, significantly, the minute they
20 received that, it was immediately perceived to be a direct
21 threat to kill the Congressman and was immediately reported to
22 law enforcement initially in the persona of the United States
23 Capitol Police, who began the threat investigation. They
24 reported it to the FBI both in Washington, and then in the
25 course of the investigation, Your Honor, it was identified that

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1 the call had come from a cellular telephone that was registered
2 out of the Western District of New York. The FBI in the Western
3 District got involved. They were able to identify this
4 defendant as the person who placed that call. He was then
5 identified to be residing in the Northern District, which is
6 what brought the case back here, Judge.

7 But in addition to the Capitol Police and the FBI
8 being involved, based on the nature of the threat and based on
9 the Congressman's travel and his professional obligations and
10 responsibilities with Congress here in the district, additional
11 law enforcement agencies were also involved including the New
12 York State Police, the Camillus Police, Syracuse Police
13 Department, and the Onondaga County Sheriff's Department, all of
14 whom were called in to provide additional security when the
15 Congressman was here in the district.

16 When Mr. Angelo was interviewed by the FBI, Your
17 Honor, he met them in a Syracuse McDonald's. Initially when
18 they spoke to him, they called him on that same phone which had
19 made the threat. He wouldn't give them an address where he was,
20 but he ultimately agreed to meet them at a local McDonald's in
21 Syracuse.

22 He had told the agents that he doesn't like the
23 police, but especially the FBI, and he doesn't trust him, his
24 quote, "as far as he can throw them." He initially, Judge,
25 denied placing the call to the Congressman and went further than

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1 that saying he definitely did not make the call and he does not
2 involve himself in politics. Those were lies, Judge.

3 He then further -- the agents engaged him in a
4 discussion about net neutrality, and only in the context of that
5 did he then eventually say, "Yes. I in fact did call somebody."
6 He initially lied to them again by saying, "I don't know whose
7 office I called," which strains credibility when you consider
8 the person he ended up calling was his Congressman. So it
9 wasn't just a random number that he dialed. He specifically
10 reached out to his legislative representative in order to make
11 this threat.

12 He then said that he used strong language that could
13 be construed as a threat, and he ultimately concluded, "I'm sure
14 they didn't appreciate it." That's certainly an understatement,
15 Judge.

16 Judge, in the defendant's statement, there's a section
17 that's titled "alcohol played a significant role in the
18 offense." Essentially, the entire section tries to use phrases
19 like the defendant made a spur-of-the-moment decision and that
20 he still only has a vague recollection of the call, essentially
21 trying to mount some kind of involuntary intoxication defense.
22 But the defendant's actions, Judge, clearly his actions, his
23 statements, and his word choice don't support this argument.

24 First off, the call wasn't made in the middle of the
25 night. It was made at 7:50 on a Thursday night. He made a

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1 cold, calculated threat to hunt down and murder the Congressman
2 and his family in the course of that phone call.

3 The Court heard that call. The Court is familiar with
4 the text of that call. It is articulate, it is eloquent, and it
5 is chilling. He's not talking -- it's not a slurred, drunk
6 call. He's not talking about spaceships or pineapples. He is
7 specifically achieving the goal which he intended, which is to
8 deliver a direct threat to a United States Congressman coupled
9 with a discussion about net neutrality.

10 In the context of that threat, Judge, there's five
11 sentences that are an articulate, well thought out argument
12 about net neutrality. That's in stark contrast to the defense
13 of, "I was so drunk. I didn't know what I was doing." He used
14 words like progeny, literally wipe you off from the face of the
15 earth. Again this is not the words of a 2 a.m. drunk call.

16 Judge, I would like to address the letters that were
17 referred to by the Court. There were a total of 19 letters of
18 support, and that includes the one provided yesterday, that was
19 filed yesterday, Judge. In fact, when I went through, I
20 actually made a chart of all of the letters, and specifically,
21 Your Honor, I was looking for several things. I was looking for
22 any mention of the current charges. I was looking for any
23 mention of alcohol and any use of alcohol. I was looking for
24 any references to how out of character this behavior, these
25 criminal charges here in federal court were with what the letter

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1 writers knew about this defendant.

2 Of the 19 letters, Your Honor, only one letter
3 mentioned the reasons that we're here today, that is the threat
4 call. There was only one letter that talked about the actual
5 charges, and that was from his former landlord, and at best,
6 that was a tangential mention when the landlord, and this is
7 document 31, page 23, says, "I don't know what else I can tell
8 you except to say that he did something very stupid and it was a
9 bad judgment call. However, I can personally say he is not
10 malicious in any way, and I know he regrets ever making the
11 call."

12 That's as close as anyone in those 19 letters gets to
13 acknowledging why we're here, why we're here in federal court,
14 and what this Court should take away under the 3553(a)
15 sentencing factors with respect to this defendant. Nobody even
16 comes close to talking about the facts, Judge, and nobody, not
17 one single letter talks or mentions the word alcohol or talks
18 about alcohol use. That is significant, Your Honor.

19 The letter that was filed yesterday, May 31, from a
20 person who indicates -- from Jesse Collins, who is a close
21 friend and says they stay connected to this day. Not one of
22 those mentions any use of alcohol, any episodes with alcohol,
23 any problems with alcohol, nothing. He would not have done this
24 but for the fact that he was drunk, nothing. It's completely
25 silent, Judge, and that's significant because to the extent the

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1 Court considers those letters under the 3553(a) factors, I think
2 the basis of knowledge and the relevance to the sentencing is
3 important, Your Honor.

4 The defendant would have you believe that he drinks so
5 much and so regularly that at 7:50 on a Thursday in October, he
6 was so drunk, he didn't realize that he dialed his Congressman
7 and threatened to murder him and his family. However, that is
8 completely inconsistent with everything else. Nobody ever
9 mentions alcohol. Nobody mentions any other instances that are
10 similar to this.

11 Effectively, Judge, these letters don't provide any
12 guidance to this Court as to who this man is today. They don't
13 provide any guidance to this Court as to who this man was in
14 October 2017 when he threatened to hunt down and murder the
15 Congressman and his family. They're a redacted picture of who
16 we have. They're very eloquent, and I'll be honest with you,
17 Judge. They're very heartfelt. You can tell that the people
18 who wrote these letters clearly love and support this defendant.
19 That's not an issue. They may well have been told not to say
20 certain things, but they provided nothing for this Court about
21 who this defendant is today, and that's what important.

22 Everybody talks about his work at the Cheesecake
23 Factory, at Apnea Care. Obviously he's a gifted and talented
24 singer, did some traveling, but it stops. It stops short at the
25 important time of October of 2017, and they don't provide any

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1 window into who this defendant is then, or more importantly,
2 Judge, and more significantly, who he is today. Not one letter
3 says, "I did not -- totally this is out of character with him.
4 We did not see this coming. It was only the evils of alcohol
5 that made him do this." Not one letter out of 19, Judge.

6 The Court's gotten character letters before. The
7 Court gets these letters all the time. In preparing for this, I
8 was thinking what would I put in a letter if somebody asked me.
9 We all get requests for reference letters or for recommendation
10 letters, and the first question is, "Why do you need this
11 letter? What is the purpose of this? Who is this going to?"
12 So that we can structure that response in such a way to be
13 effective in that letter, and none of these letters address why
14 we're here today, Judge.

15 We heard a lot about the choir. We heard a lot about
16 his singing. He's clearly a great grandson, but that is not
17 relevant to this proceeding because we don't know who he is for
18 purposes of sentencing when it comes down to that. Judge,
19 that's important. That's significant.

20 Ultimately, Your Honor, we ask that you review the
21 3553(a) sentencing factors and in considering the nature and
22 circumstances of the offense, the history of the defendant,
23 including the seriousness of what he did, and the need for the
24 sentence imposed, Judge, specifically to reflect the seriousness
25 of this offense.

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1 Not to oversell it, but this type of crime undercuts
2 and undermines the very fabric of democracy. By threatening to
3 kill a United States Congressman directly related to an issue
4 before the government, that challenges everything, Judge. And
5 it wasn't just a threat to kill the Congressman, but he brought
6 the family in. I will hunt you down and murder you. I will
7 hunt you down and murder your family. Judge, that is the most
8 serious crime you can think of.

9 And there's certainly a need to promote the respect
10 for the law here as well as to promote both a general deterrence
11 and a specific deterrence. He should be specifically deterred,
12 and I think the Court can fashion a sentence that will do so.
13 But there also needs to be a message of general deterrence, Your
14 Honor, which is to say that we don't tolerate this in society,
15 that we are a free society, and the First Amendment guarantees
16 you the right to say just about anything. What you cannot do is
17 you cannot call a United States Congressman, threaten to hunt
18 him down, threaten to murder him, and threaten to murder his
19 family for doing his job.

20 Judge, we would ask, as we set forth in our papers,
21 for a sentence which is at least at the high end of the
22 guidelines, which are four to ten months; a maximum period of
23 supervised release, during which extensive supervision should be
24 offered to include mental health treatment; and specifically,
25 Judge, a condition with no contact whatsoever with the

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1 Congressman, with his family, or with his office. To the extent
2 that the defendant remains within the Northern District and he
3 still has congressional responsibilities for this defendant, the
4 government is requesting that any prior contact with the
5 Congressman be done through probation so that they can vet it,
6 insure there's no future contacts.

7 To the extent the defendant relocates, and it's our
8 understanding there may be relocation discussion about maybe
9 moving back in with the parents within the Western District. At
10 that point, Judge, there would be a termination of
11 responsibilities between the defendant and the Congressman. The
12 Congressman would no longer be his representative. So we would
13 again say no contact whatsoever with the Congressman, his
14 family, or his office.

15 Judge, obviously a condition which would prohibit any
16 type of acts or threats of violence. Judge, we think this is an
17 appropriate sentence and this is the necessary sentence in this
18 case. Thank you.

19 THE COURT: All right. Thank you.

20 MS. BIANCO: Your Honor, Patrick is 28 years old, and
21 he comes from a very supportive family. His parents have made
22 every court appearance. Today they're here. They're here with
23 his grandmother. Patrick has no criminal record.

24 Now, probation has calculated the advisory guideline
25 range for four to ten months imprisonment, and as of today,

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1 Patrick has served almost seven months of incarceration. And
2 this is someone who has never been to jail before, and this was
3 quite an eye-opener for him.

4 We're asking for a sentence of time served plus
5 probation because we believe that sentence is sufficient but not
6 greater than necessary to achieve the statutory purposes of
7 sentencing.

8 I'd like to talk a little bit about the nature and
9 circumstances of the offense, as did the government. Now,
10 Patrick called the Congressman's office at night after he had
11 been drinking. The office was closed. You can tell by the
12 voice message itself -- we just heard it again -- that he's
13 speaking very slowly. His words are somewhat slurred. He left
14 a threatening message on the voicemail, and it cut off before he
15 was actually finished. He was intoxicated. He didn't call back
16 and try to complete the threat, but being intoxicated doesn't
17 negate the seriousness of the offense, but this Court should
18 consider Patrick's intent, and he didn't intend to carry out the
19 threats. How do we know this? Well, Patrick didn't call back
20 that night, and he didn't leave any more messages for the
21 Congressman, and he wasn't arrested until six weeks later.

22 Now, when Patrick met the investigators two weeks
23 after the initial call, he initially denied it, but ultimately
24 he admitted what he did. He told the agents he was drunk and
25 that he had no intention of carrying out the threat. He met

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1 with the agents again on November 28, and again he admitted what
2 he did. He was arrested on that day without incident, and the
3 government talks about how there's no indication he has a
4 problem with alcohol at all, but on the night of his arrest when
5 he was booked into the justice center, he blew a .08, and that's
6 documented in the records.

7 We submit that Patrick is not a danger to the
8 community. The Court has a forensic psychological evaluation in
9 its possession, and it's significant because probation asked for
10 Patrick to undergo this evaluation, and Patrick readily agreed.
11 Probation picked the doctor, not Patrick, and that forensic
12 psychological opined that Patrick is not a danger.

13 And what's also significant is Patrick has never done
14 anything like this before. He comes from a good home. He is a
15 college graduate. The fact that he's articulate is not
16 something that could be looked away and think, well, he wasn't
17 drunk because he was articulate. He's articulate because he's
18 educated and he's a college graduate. He has always had a job.

19 Now, the government has made much saying that the
20 people who wrote the letters, they don't know who he really is.
21 Truth in fact, we advised the people who wrote the letters,
22 "Please don't talk about the nature of the crime. That's for
23 the Court to determine. Talk about Patrick as he is as a
24 person. Talk about how you know him."

25 Now, we're all aware in the present time that threats

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1 have to be taken very seriously as many people actually carry
2 out these threats, but those same people who carry out the
3 threats, they give indicators to their friends and family of
4 something, that something is amiss, that something is wrong, and
5 people who know them well see something going on before those
6 threats are actually carried out, and here we have just the
7 opposite.

8 The Court has received numerous letters from friends,
9 family, neighbors, clergy members, former employers, all
10 attesting to Patrick's good character. All of these people have
11 known Patrick for many, many years, and they see the good in
12 him. They didn't mention anything about the alcohol or anything
13 else because we told them, "Please do not talk about the nature
14 of the offense."

15 A sentence of time served and probation is entirely
16 reasonable under the circumstances for a 28-year-old man with no
17 priors who may have an alcohol problem and he is incredibly
18 remorseful for what he did. And having spent seven months in
19 jail, that was quite a lesson for him. Thank you, Your Honor.

20 THE COURT: All right. Thank you.

21 Mr. Angelo, do you want to say anything before I
22 impose sentence? You may, but you're not required to.

23 THE DEFENDANT: Yes.

24 THE COURT: Go ahead.

25 THE DEFENDANT: I'd like to apologize to the Court and

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1 to the government for any problems and worries and fears I may
2 have caused. I'm very sorry, and none of this would have
3 happened unless I was drinking. I apologize.

4 THE COURT: All right. Thank you.

5 The record should reflect that I have carefully
6 reviewed all of the materials that have been submitted to me
7 regarding this case. I find the conduct of Mr. Angelo in the
8 case beyond troubling. There's something in our society about
9 instilling fear in another person that is really almost like
10 holding the person hostage, and in this case, not just holding
11 the Congressman hostage, but his family hostage as well.

12 There's nothing about this case that in any way makes
13 me look at you, Mr. Angelo, and feel that you didn't know what
14 you were doing. I don't know if you were intoxicated that
15 night. I'm not an intoxication specialist. I'm not an alcohol
16 counselor. I can't discern whether or not somebody is
17 intoxicated just by listening to the voice.

18 One could argue very strenuously that you were not
19 intoxicated. As Mr. Gestring pointed out, your voice is solid.
20 It's purposeful. It's definitely chilling. You have quite the
21 vocabulary, and it's not often what a voice that someone might
22 consider almost a caricature of someone who is intoxicated. But
23 I can't answer that question. As a sentencing judge, I can't
24 sit up here and say yes, you were intoxicated, or no, you
25 weren't.

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1 But I don't believe for a minute that you didn't know
2 what you were saying, and I don't believe that your threat to
3 Congressman Katko and his family was unintentional. And I think
4 that if you're still thinking it was unintentional, you're in a
5 state of denial. That threat was not unintentional. You may
6 have had alcohol in you. Whether you were legally intoxicated,
7 I don't know, but there's no way in my mind that that threat was
8 unintentional.

9 No public servant should have to put up with this kind
10 of nonsense. No person should have to put up with this kind of
11 nonsense. Who in this room would want to be looking over their
12 shoulder every day to wonder if somebody is coming to kill them?
13 You know, when I met you several months ago, I felt that you
14 might not understand what you did. I'm still not sure that you
15 understand the harm that you did. Public servants have a right
16 to do their job without constantly looking over their shoulder
17 worried that someone is going to extinguish their life, and
18 whenever you put the children of a public servant in play, it's
19 even far worse.

20 And the fact of the matter is that in some respects, I
21 agree with what Mr. Gestring said. I have a psychological
22 report that quite honestly doesn't tell me very much about you.
23 I have letters from your family that tell me that you were a
24 nice child and a nice young adult and that you were able to hold
25 a job. But I have to say there's much more about you that I

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1 don't know than I do know, and I do find that concerning, to say
2 the least.

3 On the other hand, you do have no criminal record.
4 You have a criminal history category of 1. And your attorney is
5 correct that in the weeks that ensued your vicious phone call to
6 the Congressman, there's no evidence that you did anything to
7 act on that call. There's no evidence that you did anything in
8 furtherance of the intentions that you expressed in the call.

9 So to sum up what I think about this case, I think
10 that what you did is beyond reprehensible. It was an assault on
11 the Congressman's life. It was an assault on the life of his
12 family, and in a larger sense, it was an assault on government.
13 And it's a bizarre assault over net neutrality, which makes the
14 phone call even more strange and disconcerting than it already
15 is in my mind.

16 But just to be clear, I don't think it was
17 unintentional. I want the record to reflect that. I think you
18 absolutely, positively knew what you were doing. And if you're
19 going to sit there and try to use alcohol as an excuse, time to
20 look in the mirror. You may occasionally drink too much and you
21 may have had alcohol to drink that night, but you knew exactly
22 what you were saying and doing.

23 When you were first asked if you had made this call,
24 as your attorney indicated and I know is the fact, you denied
25 it. And it was only after you found out that the police were

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1 onto something that you finally admitted what you had done. At
2 one point, you denied that you have a problem with alcohol, but
3 then when it becomes convenient for you to say that you made the
4 phone call only because you were intoxicated, that's what you
5 say.

6 So I think I have somebody in front of me for
7 sentencing who either has a problem with alcohol that he won't
8 acknowledge, or two, is a very manipulative, intelligent person
9 who is trying to say that he has a problem with alcohol in order
10 to convince me that you should get a lesser sentence. Both of
11 those again are concerning to me.

12 As I said a moment ago, I have reviewed and considered
13 all pertinent information including but not limited to the
14 Presentence Investigation Report, the addendum, the plea
15 agreement, submissions by counsel, the 2016 edition of the
16 Sentencing Guidelines Manual, and the factors outlined in 18
17 United States Code Section 3553(a).

18 I adopt the factual information and the guideline
19 applications contained in the Presentence Investigation Report.
20 I find that the total offense level is 9. The criminal history
21 category is 1, and the guideline imprisonment range is four to
22 ten months. The guideline range is within zone B of the
23 sentencing table. Please stand for your sentence, Mr. Angelo.

24 Upon your plea of guilty on count 1 of the
25 information, it is the judgment of the Court that you are hereby

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1 committed to the custody of the Bureau of Prisons for a period
2 of time served. I note for the record that you have been in
3 custody since your arrest on November 28, 2017, and this
4 sentence is sufficient but not greater than necessary to meet
5 the goals of sentencing set forth in 18 United States Code
6 Section 3553(a).

7 Upon your release from imprisonment, you shall be
8 placed on supervised release for a term of three years. You
9 need to listen carefully to this, and I know your attorney will
10 go over it with you when I am finished because when I place
11 conditions on someone, they are not light suggestions. They are
12 orders. And you, sir, are going to be supervised for three
13 years by probation. And if you violate any one of these terms,
14 I personally would take about a nanosecond to issue a warrant
15 for your arrest. So you need to understand that these are not
16 suggestions.

17 While on supervised release, you shall not commit
18 another federal, state, or local crime, and you shall comply
19 with the standard conditions that have been adopted by this
20 Court as well as the following special conditions which I find
21 are necessary and justified in this case based upon the nature
22 of the instant offense as well as the history and
23 characteristics of the defendant as outlined in detail in the
24 presentence report and to promote your rehabilitation.

25 First, you must participate in a program for substance

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1 abuse, which shall include testing for the use of controlled
2 substances, controlled substance analogues, and alcohol. This
3 may include outpatient treatment as recommended by the treatment
4 provider based upon your risks and needs.

5 You may also be required to participate in inpatient
6 treatment upon recommendation of the treatment provider and upon
7 approval of the Court. The probation office shall approve the
8 location, frequency, and duration of outpatient treatment. You
9 shall abide by the rules of any treatment program which may
10 include abstaining from the use of any alcohol. You shall
11 contribute to the cost of any evaluation and/or treatment in an
12 amount to be determined by the probation officer based on your
13 availability to pay and the availability of third-party
14 payments.

15 You must participate in the mental health program,
16 which may include medical, psychological, or psychiatric
17 evaluation and outpatient treatment as recommended by the
18 treatment provider based upon your risks and needs. You may
19 also be required to participate in inpatient treatment upon
20 recommendation of the treatment provider and upon approval of
21 the Court. The probation office shall approve the location,
22 frequency, and duration of outpatient treatment.

23 You must abide by the rules of the program, which may
24 include taking medicine. You shall contribute to the cost of
25 any evaluation and/or treatment in an amount to be determined by

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1 the probation officer based on your ability to pay and the
2 availability of third-party payments.

3 Based upon your substance abuse history and for the
4 purpose of effective substance abuse treatment programming, you
5 shall refrain from the use of alcohol and be subject to alcohol
6 testing and treatment while under supervision.

7 While you are living within Congressman Katko's
8 district, you must not communicate or otherwise interact with
9 him or any member of his immediate family without first
10 contacting the probation office. When you're no longer -- if
11 you are no longer in that district, you must refrain from
12 contacting Congressman Katko or any member of his immediate
13 family or any member of his staff either directly or through
14 someone else.

15 I find that based on your financial resources,
16 projected earnings, and other income as well as your financial
17 obligations, that you do have the ability to pay a fine. You
18 must pay a fine in the amount of \$2,000 payable within 90 days
19 of sentencing. You must also pay to the Clerk of the Court a
20 special assessment of \$100, which is due and payable
21 immediately.

22 Both parties have the right to appeal this sentence in
23 certain limited circumstances except as restricted by any waiver
24 stipulated in the plea agreement. You are advised to consult
25 with your attorney to determine whether or not an appeal is

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1 warranted. Any appeal must be filed within 14 days of the date
2 that judgment is filed in this case. I note for the record that
3 the defendant waived the right to appeal any sentence of ten
4 months or less. You may be seated.

5 Is there anything further from the government?

6 MR. GESTRING: Your Honor, the United States would
7 move to dismiss the underlying criminal complaint.

8 THE COURT: The underlying criminal complaint is
9 dismissed.

10 MR. GESTRING: Thank you, Judge.

11 THE COURT: Anything further from the defense?

12 MS. BIANCO: No, Your Honor, thank you.

13 THE COURT: Let me just say a few parting words to
14 you, Mr. Angelo. One can only hope that seven months in the
15 county jail is sufficient deterrence for you for any further
16 ridiculous, unacceptable conduct like this. I know family
17 members are here. I'm not blaming the family members. You are
18 an adult, and your family is very supportive obviously.

19 But I hope your friends and your family know how
20 serious what you did is, and I hope you and your support network
21 know that in my view, there should be zero tolerance for you
22 violating any of the terms of the supervised release. You are a
23 young man. You have your entire lifetime in front of you.
24 Unfortunately now you're a convicted felon, but people make
25 mistakes. Can you fix this and live a law-abiding life and do

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1 good? Yes, you can, but it's going to be up to you now.

2 As an operation of law, I want you to know that you
3 can't have any firearms anymore because you're a convicted
4 felon. That's not a condition that I'm putting on you. That's
5 just the operation of law because I know that you did have a
6 long gun at one time in your house.

7 Any family members or friends who ever become aware of
8 you having a firearm, they need to report that. The threat that
9 you made to kill a United States Congressman is so concerning
10 that you absolutely, positively cannot be in possession of a
11 firearm any time in the future, even though you didn't act upon
12 this threat in the months that went by.

13 Is there anything further for the defense?

14 MS. BIANCO: No, Your Honor.

15 THE COURT: Court stands adjourned.

16 (The matter adjourned at 12:39 p.m.)

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CERTIFICATION OF OFFICIAL REPORTER

I, JACQUELINE STROFFOLINO, RPR, Official Court Reporter,
in and for the United States District Court for the Northern
District of New York, do hereby certify that pursuant to Section
753, Title 28, United States Code, that the foregoing is a true
and correct transcript of the stenographically reported
proceedings held in the above-entitled matter and that the
transcript page format is in conformance with the regulations of
the Judicial Conference of the United States.

Dated this 25th day of June, 2018.

/s/ JACQUELINE STROFFOLINO

JACQUELINE STROFFOLINO, RPR

FEDERAL OFFICIAL COURT REPORTER

**JACQUELINE STROFFOLINO, RPR
UNITED STATES DISTRICT COURT - NDNY**